

## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	1064290
<b>Application Number:</b>	10674109
<b>Confirmation Number:</b>	2439
<b>Title of Invention:</b>	Wireless telecommunication system
<b>First Named Inventor:</b>	Andrew John Farnsworth
<b>Customer Number:</b>	44208
<b>Filer:</b>	Robert H. Kelly./Lilis Pramasurja
<b>Filer Authorized By:</b>	Robert H. Kelly.
<b>Attorney Docket Number:</b>	1578.622
<b>Receipt Date:</b>	01-JUN-2006
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<b>International Application Number:</b>	

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### File Listing:

Document Number	Document Description	File Name	File Size(Bytes)	Multi Part	Pages
1	Transmittal letter	Transmittal.pdf	54127	no	1

**ATTACHMENT A-1**

<b>Warnings:</b>					
<b>Information:</b>					
2		AmendmentAF.pdf	126923	yes	6
	<b>Multipart Description</b>				
	<b>Doc Desc</b>		<b>Start</b>	<b>End</b>	
	Amendment Submitted/Entered with Filing of CPA/RCE		1	1	
	Claims		2	4	
	Applicant Arguments/Remarks Made in an Amendment		5	6	
<b>Warnings:</b>					
<b>Information:</b>					
3	Request for Continued Examination (RCE)	RCE.pdf	101010	no	1
<b>Warnings:</b>					
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<b>Total Files Size (in bytes):</b>			282060		
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><b><u>New Applications Under 35 U.S.C. 111</u></b>  If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><b><u>National Stage of an International Application under 35 U.S.C. 371</u></b>  If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p>					



# SCHEEF & STONE, L.L.P.

*Legal counsel based on solid principles.*

June 1, 2006

DOCKET NO.: 1578.622  
CUSTOMER NO.: 44208

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

## TRANSMITTAL

In re:           Application No.: 10/674,109  
                  Applicant(s): Andrew J. Farnsworth

Enclosed please find:

- ☒ Resubmission of "Amendment Pursuant to 37 CFR § 1.114," previously filed on 22 May 2006 responsive to Notice of Non-Compliant Amendment dated 23 May 2006.
- ☒ While the applicant filed an RCE on 22 May 2006 and no extension of time petition under 37 CFR 1.136 is believed to be necessary, if any extension of time is required, please consider this paper to be a request therefor. The Commissioner is hereby authorized to charge payment of the following fees associated with this communication, including any extension of time petition fees, to Deposit Account No. 50-2032.

Respectfully submitted,

Robert H. Kelly  
Registration No. 33,922

**ATTACHMENT A-3**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

**Request  
for  
Continued Examination (RCE)  
Transmittal**Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	10/674,109
Filing Date	September 29, 2003
First Named Inventor	Farnsworth, et al.
Art Unit	2687
Examiner Name	Nguyen, Khai Minh
Attorney Docket Number	1578.622 (11160-US-PAT)

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Rely Brief previously filed on \_\_\_\_\_
- ii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/ Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other \_\_\_\_\_

2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other \_\_\_\_\_

3. **Fees**

- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
- The Director is hereby authorized to charge the following fees, or credit any overpayments, to
- a. ☒ Deposit Account No. 502032
- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other \_\_\_\_\_
- b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.****SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type)	Robert H. Kelly	Registration No. (Attorney/Agent)	33,922
Signature	/Robert H. Kelly/	Date	May 22, 2006

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	
Signature	
Date	

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**ATTACHMENT A-4**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No. 10/674,109 Confirmation No.: 2439  
Applicant(s): Andrew J. Farnsworth, et.al.  
Filed: September 29, 2003  
Group Art Unit: 2687  
Examiner: Nguyen, Khai Minh  
Title: Wireless Telecommunication System

Docket No.: 1578.622  
Customer No.: 44208

Mail Stop RCE  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT PURSUANT TO 37 C.F.R. § 1.114**

Dear Sir:

In response to the Final Office Action dated 22 February 2006, please amend the above-referenced application as follows:

**Amendments to the claims** begin on page 2 of this paper.

**Remarks** begin on page 5 of this paper.

**Amendments to the Claims:**

This listing of claims replaces all prior listings, and versions, of claims in the application:

**Listing of Claims:**

1. (Currently Amended) A method of processing a message in a User Equipment (UE) mobile telecommunications device, the method comprising, in the UE mobile telecommunications device:
  - receiving a Cell Update Confirm (CUC) message;
  - determining whether the UE mobile telecommunications device has an empty cell identifier variable;
  - when the UE mobile telecommunications device has an empty cell identifier variable, determining whether the CUC message includes a new value for the cell identifier;
  - when the CUC message ~~includes~~ does not include a new value for the cell identifier and the CUC message would cause the UE mobile telecommunications device to enter a state which requires the UE mobile telecommunications device to respond to the message before entering the state, carrying out at least one further step prior to entering the state.
2. (Original) A method according to claim 1 wherein the further step comprises:
  - setting the INVALID\_CONFIGURATION to TRUE.
3. (Original) A method according to claim 2 wherein the further step comprises:
  - sending a cell update message to the network.
4. (Original) A method according to claim 2 wherein the further step further comprises:
  - returning to an idle state.

5. (Original) A method according to claim 1 wherein the further step comprises:  
sending a new cell update message including a field that indicates that the cause for the cell update message is cell reselection.
6. (Original) A method according to claim 1 wherein the further step comprises:  
acting on the cell update confirm message without transmitting a response to the network.
7. (Original) A method according to claim 1 wherein the further step comprises:  
ignoring the cell update confirm message.
8. (Currently amended) A method according to ~~any-preceding~~ claim 1 wherein the cell identifier variable is C\_RNTI and the value of the cell identifier is C-RNTI.
9. (Currently Amended) A User Equipment (UE) device including apparatus for processing a message in a mobile telecommunications system, the apparatus being arranged to:  
receive a Cell Update Confirm (CUC) message from a network;  
determine whether the UE device has an empty C\_RNTI variable;  
when the UE device has an empty C\_RNTI variable, determine whether the CUC message includes a new C-RNTI;  
when the CUC message ~~includes~~ does not include a new C\_RNTI and the CUC message would cause the UE device to enter a state which requires the UE device to respond to the message before entering the state, carrying out at least one further step prior to entering the state.
10. (Original) Apparatus according to claim 9 wherein the apparatus is further arranged to:  
set the INVALID\_CONFIGURATION to TRUE.

11. (Original) Apparatus according to claim 10 wherein the apparatus is further arranged to:  
send a cell update message to the network.
12. (Original) Apparatus according to claim 9 wherein the apparatus is further arranged to:  
return to the idle state.
13. (Original) Apparatus according to claim 9 wherein the apparatus is further arranged to:  
send a cell update message including a field that indicates that the cause for the cell update message is cell reselection.
14. (Original) Apparatus according to claim 9 wherein the apparatus is further arranged to:  
act on the cell update confirm message without transmitting a response to the network.
15. (Original) Apparatus according to claim 9 wherein the apparatus is further arranged to:  
ignore the cell update confirm message .
16. (Original) A mobile telecommunication device incorporating apparatus according to any of claims 9 to 15.



### **REMARKS**

In the above-mentioned Final Office Action, all of the pending claims, claims 1-16, were rejected under Section 102(e) over *Sharma*, US-2005/0009527 A1.

Review of *Sharma* indicates that its effective date is no earlier than its filing date of June 28, 2004. As the present application has a filing date of September 29, 2003, the Applicants believe the reference to be an improper reference by which to anticipate the claims of the present application.

For the reason that the reference is an improper reference, the rejection of the claims under Section 102(e) over *Sharma* is respectfully traversed.

In spite of the foregoing, independent claims 1 and 9 have been amended, as set forth herein. Support for the amendments is found in the specification, for instance, on page 6, line 26 - page 8, line 7 and in Figures 4, 5, 6, and 7, and steps 404, 504, 604, and 704 that state, "Is the new C-RNTI included in the CUC?", and as-filed claims 5 and 13.

*Sharma* appears to relate to cell update scenarios and C-RNTI. Paragraph 84 of *Sharma* indicates that a UE transition into a duplex state from a monitoring state occurs by first entering the transition state and awaiting completion of all procedures initiated by the UE sending uplink initiation communications while in the transition state. See also, e.g., Figures 6a and 6b of *Sharma*. *Sharma*, however, is silent as to the operation of the UE when the cell update confirm message does not include a new value for the cell identifier. Thus, there is nothing in *Sharma* to suggest that, when the CUC message does not include a new value for the cell identifier and the CUC message would cause the device to enter a state that requires a UE to respond to the message before entering the state (e.g., CELL\_PCH or URA\_PCH), then the UE is arranged to send a new cell update message including a field that indicates the cause for the cell update message is cell reselection. *Sharma* appears to be limited to a situation in which a temporary identifier is received.

As claims 1 and 9 recite that, when the CUC message does not include a new value for the cell identifier and the CUC message would cause the UE device to enter a state which requires the UE device to respond to the message before entering the state, of sending a new cell update message, claims 1 and 9, as now-amended, are believed to be distinguishable over *Sharma*.

As the remaining dependent claim includes all of the limitations of its parent claim, the remaining dependent claim is believed also to be distinguishable over *Sharma* for the same reasons as those given above with respect to its parent claim.

In light of the foregoing, *Sharma* is believed to be an improper reference by which to reject the claims and, in any event, fails to disclose the subject matter recited now in the claims. Accordingly, reexamination and reconsideration of the claims, and consideration for their allowance, is respectfully requested. Such early action is earnestly solicited.

Respectfully submitted,

/Robert H. Kelly/

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